

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:14-cv-00243-FDW-DCK

LIBERTY MUTUAL INSURANCE)
COMPANY,)

Plaintiff,)

vs.)

ORDER

UTILIPATH, LLC; UTILIPATH POWER,)
LLC; BAXTER M. HAYES, II; PATRICIA)
K. HAYES; BAXTER McCLINDON)
HAYES, III; TERESA N. HAYES;)
JARROD TYSON HAYES; and SEREH)
SABRIPOUR,)

Defendants.)

THIS MATTER is before the Court after the Court received a request by Oliver D. Griffin and Peter N. Kessler, on behalf of themselves and the law firm Kutak Rock LLP, to meet with the Court to discuss attorneys' conduct in this matter, which is now closed. The Court granted that request for an *ex parte* conference in chambers. On June 26 2015, the Court met with attorneys Oliver D. Griffin and Peter N. Kessler from Kutak Rock LLP.

During the conference, the Court realized certain unintended consequences resulting from this Court's removal of Julie Negovan, formerly of Kutak Rock LLP, from this case. Accordingly, the Court hereby clarifies the ruling to revoke Ms. Negovan's *pro hac vice* status, including the Court's order issued February 11, 2015, in particular footnote 1. (Doc. No. 108). The instant Order is intended to supplement, not supplant, the Court's February 11, 2015, order.


When the Court revoked Ms. Negovan's *pro hac vice* status, she was acting as an agent of the firm of Kutak Rock. The Court found that the "taint" of her misconduct affected the whole firm because she was the firm's agent and because she was appearing as the lead attorney for her

clients at that time. Therefore, the Court precluded any other members of her firm of Kutak Rock from appearing in this Court in this matter.

Finally, the Court notes that it never made any finding of unethical or improper conduct for any other individual attorney in the firm of Kutak Rock who appeared in this matter.

IT IS SO ORDERED.

Signed: June 30, 2015


Frank D. Whitney
Chief United States District Judge

